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May 17, 2022

**VIA ECF FILING ONLY**

Hon. Lorna G. Schofield, U.S.D.J.  
United States District Court, SDNY  
500 Pearl Street  
New York, NY 10007

Re: Powers v. Memorial Sloan Kettering Cancer Center, et al.  
Docket No. : 1:20-cv-02625

Dear Judge Schofield:

Defendants respectfully submit this letter motion to request a short adjournment of the trial date.

**(1) Original Due Date**

This action has been placed in fourth place on the Court's October 2022 trial-ready calendar. The jury trial is to begin on October 11, 2022, or the Court's first available date thereafter. (Doc. 249). Defendants respectfully request a short adjournment of the trial to start on October 19, 2022, or the Court's first available date thereafter.

**(2) Number of Previous Requests**

This is the first request for an adjournment of the trial date.

**(3) Whether Previous Requests Granted or Denied**

Not applicable.

**(4) Whether Adversary Consents**

Plaintiff advised he is "opposed to this 'delay' because it jeopardizes the trial from proceeding as scheduled. Speaking at a continuing education conference, here or abroad, is not reason enough to justify the schedule change. If the court will accommodate this without impeding the trial from proceeding in October, which I think is unlikely, then I am not opposed. Otherwise, please note my opposition to any change that risks preventing the trial from proceeding on the October 2022 docket."

**(5) Impact on Other Scheduled Dates**

The requested adjournment does not affect any other scheduled dates.

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**(6) Compelling Reasons for Request**

Defendants respectfully submit that there is a compelling reason for the requested short adjournment of the trial because the only individually named defendant, Dr. Sofocleous, has been asked to speak at the Brazilian Society of Interventional Radiology and Endovascular Surgery Conference, which is scheduled to take place October 13 – 15, 2022 in Brazil.

We appreciate the Court's time and consideration to this request.

Respectfully submitted,

KAUFMAN BORGEEST & RYAN LLP

/s/ Andrew S. Kaufman

Andrew S. Kaufman

cc: via ECF filing

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The application to adjourn the trial from October 11, 2022, to October 19, 2022, is **GRANTED**. This case is currently in third and last place on the Court's October 11, 2022, calendar and as a practical matter is unlikely to proceed on that date given the trials scheduled before it. Only one case is scheduled for trial the week of October 17, 2022, and the instant case will maintain priority over that October 17, 2022, case. In other words, in the event that the week of October 17, 2022, is available for trial (i.e., the October 11, 2022, cases having concluded or settled), the instant case will have first priority for the week of October 17, 2022.

Dated: May 17, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
UNITED STATES DISTRICT JUDGE